

**GOVERNMENT OF ANDHRA PRADESH**  
**ABSTRACT**

PS – I&CAD Dept., - APES – Sri K.Bhagavantha Rao, the then Superintending Engineer, NSLI Circle Nizamabad now retired as Superintending Engineer, P&M cell O/o Engineer-in-Chief (IW) Hyderabad – Departmental proceedings initiated under rule 20 of APCS(CC&A) Rule 1991 – Imposition of penalty of withholding 5% pension for 5 years under rule 9 of A.P.Revised Pension rules 1980 – Orders – Issued.

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IRRIGATION & CAD (SER.IV.1) DEPARTMENT

G.O.Ms.No. 227

Dated.29.07.2009.

Read the following:

- 1.G.O.Rt.No.1514, I&CAD(Ser.IV.1)Dept., dt.13.11.2006.
2. Representation from Sri K.Bhagavantha Rao, SE P&M Cell Hyd. dated.27.11.2006.
- 3.Govt. Memo No.17074/Ser.IV.1/2006-1, dated.05.12.06.
- 4.From Sri K.Bhagavantha Rao, SE P&M Cell Hyd. Lr.No.ENC/IW/PF/30674/2006, dated. 07.12.2006.
5. G.O.Rt.No.471, I&CAD(Ser.IV.1)Dept., dt.30.04.2007.
6. Govt. Memo No.17074/Ser.IV.1/2006-4, dt.30.04.2007.
7. G.O.Rt.No.741, I&CAD(Ser.II)Dept., dt.02.07.2007.
8. G.O.Rt.No.1454, I&CAD(Ser.IV.1)Dept., dt.10.11.2008.
- 9.From COI DO Lr.No.1938/COI-SB/2008, Dt.18.12.2008.
- 10.Govt. Memo No.17074/Ser.IV.1/2006-11, dt.01.04.2009.
11. Representation from Sri K.Bhagavantha Rao, SE(Retd) P&M Cell Hyd. dated.17.04.2009.
- 12 Govt. Letter No.17074/Ser.IV.1/06-14, Dt.25.05.2009.
- 13.From the Secy., APPSC, Lr.No.719/RT-I/3/2009. dated.08.07.2009.

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In the reference 1<sup>st</sup> read above, articles of charges were issued to Sri K.Bhagavantha Rao, the then Superintending Engineer, NSLI Circle Nizamabad now Superintending Engineer, P&M Cell O/o Engineer-in-Chief (IW) Hyderabad as he has disobeyed the orders of the Director Godavari, Basin issued vide Memo No. Director (GD)/29/2005 dated.26.09.2005 to conduct 100% Ultra Sound testing of the circumferential and longitudinal butt welds instead, he has decided on his own to carry out the tests only 10% of the field joints at site which is against the orders issued to him. This amount to misconduct in violation of APCS(Conduct) Rules, 1964.

2. In the reference 2<sup>nd</sup> read above, Sri K.Bhagavantha Rao, Superintending Engineer have requested the Government to permit him to submit his defense up to 07.12.2006. Accordingly, Government have considered his request and permitted him to submit his defense on or before 06.12.2006 vide reference 3<sup>rd</sup> read above. Again in the reference 4<sup>th</sup> read above, the above individual has requested for further extension of time to submit his reply upto 22.12.2006. However, he has not submitted his WSSD on the charges framed against him. Therefore, Government have taken a decision to take further action in the matter as exparte as per sub rule 6 of rule 20 of APCS (CC&A) rules 1991.

3. In the reference 5<sup>th</sup> read above, orders were issued appointing Sri S.Satyanarayana, Member Commissioner of Inquiries, GAD as the Inquiring Authority to inquire into the charges framed against Sri K.Bhagavantha Rao, SE(Retd). In the reference 6<sup>th</sup> read above, orders were issued appointing Sri I.S.N.Raju, Chief Engineer, CDO as Presenting Officer in this case.

4. In the reference 7<sup>th</sup> read above, provisional pension was sanction to the above SE(Retd) to an extent of 75% of the superannuation pension to which he is eligible, pending finalization of the disciplinary proceedings instituted against him, as he has retired on 30.04.2007 AN on attaining the age of superannuation.

5. In the reference 8<sup>th</sup> read above, orders were issued duly appointing Dr.Subhrendu Bhattacharya, IAS, GA(COI) as IA in place of Sri S.Satyanarayana, Member COI as the term of the said member was completed and he demitted office on 12.10.2007 AN.

6. In the reference 9<sup>th</sup> read above, the EO has submitted his enquiry report the EO in his findings has stated that the charge against the charged officer is held proved.

8. In the reference 10<sup>th</sup> read above, show cause notice has been issued against Sri K.Bhagavantha Rao, SE(Retd) duly communicating copy of the enquiry report under rule 21(4) of APCS(CC&A) Rules 1991 read with rule 9 of APRPRs 1980 duly mentioning a proposed penalty of withholding of 5% pension for period of 5 years against the above SE(Retd).

9. In the reference 11<sup>th</sup> read above, Sri K.Bhagavantha Rao, SE(Retd) in his representation has stated among other things that in respect of the testing of radiography joints the agreement was concluded as per the IA Code 5822:1994. The Director, Godavari basin in his letter dated 26.09.2005 have instructed to go for 100% test which is not in accordance with the agreement condition and a deviation to IS code No.5822:1994 and also stated that he has no intension to disobey the orders of the Director, Godavari Basin and carried out the work as per I.S.Code & agreement etc., and requested the Government to reduce the punishment already proposed against him with sympatric consideration. Government after examining the representation of Sri K.Bhagavantha Rao, SE(Retd) and confirmed the provisional decision to impose penalty of withholding 5% pension for 5 years against him as per rule 9 of APRPRs 1980 as there are no new points put forth in his representation.

10. In the reference 13<sup>th</sup> read above, the APPSC agreed with the proposal of the Government to impose a punishment of withholding 5% pension for 5 years on Sri K.Bhagavantha Rao, SE(Retd) and advised accordingly. Government have accepted the advice of the APPSC.

11. Government after careful examination of the matter is here by imposed a penalty of withholding 5% pension for 5 years against Sri K.Bhagavantha Rao, SE(Retd) as per rule 9 of APRPRs 1980.

12. The Engineer-in-Chief (AW) is requested to take action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**S.P.TUCKER**  
**PRL.SECRETARY TO GOVERNMENT**

To  
Sri K.Bhagavantha Rao, the then Superintending Engineer, NSLI Circle Nizamabad now retired as SE P&M cell O/o Engineer- in-Chief (IW) Hyderabad through the Engineer-in-Chief (AW) I&CAD Dept. Hyderabad.  
Copy to the Engineer-in-Chief (AW) I&CAD Dept. Hyderabad.  
Copy to the Secretary, APPSC, Hyderabad.  
Copy to the Secretary, APVC, Hyderabad.  
SF/SC.

**// FORWARDED BY ORDER //**

**SECTION OFFICER**